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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,851	11/19/2003	Quin Soderquist	14291	1718

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EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,851	Applicant(s) SODERQUIST, QUIN	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 9, 17-19, 23, 32, 33 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 10-16, 20-22, 24-31, 34-38 and 40-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/03 & 3/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species 1 in Figure 2 in the reply filed on January 31, 2006 is acknowledged. The traversal is on the ground(s) that the unitary film can be of a single layer or a plurality of layers and the structural difference of the tear seam is not significant. This is not found persuasive because the structural differences in the restricted species are details considered to be significant and therefore for restriction.

The requirement is still deemed proper and is therefore made FINAL.

Claims 2-4,9,17-19,23,32,33 and 39 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 31, 2006.

Claims 1,5-8,10-16,20-22,24-31,34-38 and 40-43 read on the elected Species as Applicant has indicated and have been examiner in this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8,22 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8,22 and 38 claim that the substrate has a "narrow point" that facilitates rupturing of the appliqué film. This detail is unclear for two reasons. It is unclear to the Examiner if Applicant is intended to claim a cutout portion that is shaped as a point, or the "point" is merely an area of decreased thickness in the substrate.

Secondly, claiming the detail in claims 8,22, and 38 appears to be a duplication of the tear seam detail already claimed in previous claims. In this manner, it should be clear that the "narrow point" or "area of decreased thickness" is a more specific detail of the tear seam. Presently, it is claimed as a separate detail not related to the tear seam.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5,8,16,20,22,28,31,34,38 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Anglsperger (USPN 6,443,484).

Anglsperger discloses an airbag cover having a substrate (1) having an exposed surface, at least one tear seam (3,3a) disposed in the exposed surface. The tear seam is a "narrow point" in shape and in thickness that facilitates rupturing of a unitary

appliqué film (4). The appliqué film (4) is disposed on the exposed surface across the tear seam, wherein the tear seam and appliqué film are frangible and rupture in response to expansion of an inflatable cushion to permit the cushion to deploy through the substrate and appliqué film. The appliqué film comprises a single layer.

When viewing Figures 4-5, Anglsperger discloses the appliqué film (4) having contours that are aligned with corresponding contours in the substrate to produce a 3-D emblem. This structural detail is considered to be an emblem and a structural detail that is part of the "vehicle manufacturer's logo".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,7,21,36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger (USPN 6,443,484) in view of Watanabe et al. (USPN 5,172,932).

Anglsperger has been discussed about but does not disclose the thickness of the appliqué film.

Watanabe et al. discloses an airbag cover having a "appliqué film" (32). The thickness (see col. 3, line 20-25) is disclosed in the range of 0.2 to 10 mm.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the thickness of the appliqué film of Aglsperger at not greater than 0.5 mm or no greater than 1.0 mm, as these thicknesses are taught by Watanabe et al. as desired thicknesses that would ensure stability and proper tearing of the appliqué film.

Claims 10,15,24,30,40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger 9USPN 6,443,484) in view of Wirt et al. (USPN 5,533,748).

Anglsperger has been previous discussed, but does not disclose the thickness of the substrate or that the substrate comprises an "injected material".

Wirt et al. discloses an airbag cover having a substrate (38) (see col. 5, lines 28-30) having a thickness in the range of 1 to 2.5 mm, with that thickness being Adjacent a tear seam". Furthermore, the substrate (see col. 4, lines 17-21) is "injected with a material".

It would have been obvious to provide a substrate that "comprises an injected material" and is "at least 2.5 mm thick adjacent a tear seam" in the arrangement of Anglsperger and as is taught by Wirt et al. so as to provide a sturdy substrate made of an injected material.

Claims 11-13,25-27,35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger (USPN 6,443,484) in view of Hlywka et al. (USPN 5,961,143).

Anglsperger has been previously discussed but does not disclose a substrate having a hinged flap, or the film having a tear seam aligned with the tear seam of the substrate.

Hlywka et al. discloses an airbag cover comprising a substrate (as best seen in Figure 3) having a "hinged flap" and a tear seam (32) in an appliqué film (26) that is aligned with a tear seam of the substrate. These structural details perform the function of allowing the "flaps" of the substrate to more easily be moved and the film to be more easily ruptured as the airbag is expanded through the airbag cover.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag cover of Anglsperger to provide a hinged flap in the airbag cover and provide a tear line in the film and aligned with the tear line in the substrate as taught by Hlywka et al. so as to allow the arrangement to more easily be ruptured and pivoted out of the way during expansion of the airbag.

Claims 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglsperger (USPN 6,443,484) in view of Niwa et al. (USPN 6,003,895) cited by Applicant.

Anglsperger has been previously discussed but does not disclose that the appliqué film is "substantially transparent".

Niwa et al. discloses an airbag cover having appliqué film (12) (see col. 4, lines 1-2) being a transparent acrylic film. This inherently exposed more of the detail of the “decorative” substrate layer underneath.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag cover of Anglsperger so as to provide a “substantially transparent” appliqué film as taught by Niwa et al. so as to provide a decorative detail to the airbag cover.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi et al. (USPUB 2001/0011811), Preisler et al. (USPN 6,180,207), Kreuzer et al. (USPUB 2001/0153712), Preisler et al. (USPN 6,280,823), Gardner et al. (USPUB 2004/0126532), Carter et al. (USPN 5,456,490), .


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
May 1, 2006



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